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Letter dated 8 September 2004 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General

I have the honour to transmit a discussion paper relating to the thematic debate to be organized by the Spanish Presidency of the Security Council on 22 September 2004 on "Civilian aspects of conflict management and peace-building", to be chaired by Mr. Miguel Ángel Moratinos, Minister for Foreign Affairs of Spain.

We would be honoured to have your presence and your invaluable contribution at this special meeting of the Security Council.

I should be grateful if you would arrange for this letter and its annex to be circulated as a Security Council document.

(*Signed*) Juan Antonio **Yáñez-Barnuevo**

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Civilian aspects of conflict management and peace-building

Background

1. The Security Council has dealt at various times with relevant issues relating to the improvement of peacekeeping operations, dealing with complex crisis situations and the role that other international organizations can play effectively to cooperate with the United Nations in its peacemaking and peace-building efforts throughout the world.

2. The complexity of present day crisis management has been highlighted by the increasingly frequent recourse to operations where different international organizations or crisis management actors, including multinational forces, are called to intervene. This is partly due to the fact that regional organizations are sometimes better equipped (if not materially, at least politically) to handle crises within their geographical scope. In other cases, it may also help to share the burden of crisis management between different actors, drawing on their comparative advantages.

3. In dealing with the broader issue of United Nations operations, the importance of civilian aspects of crisis management in order to solve complex crisis situations is to be acknowledged. International military operations can enforce ceasefire agreements or monitor and ensure their implementation, thus contributing to stabilization of the situation on the ground. Nevertheless, their ability to re-establish public order and the normal functioning of State institutions after a crisis, paving the way to socio-economic rehabilitation and political reconciliation, is relatively limited. The most recent experiences testify to this. Despite the involvement of more players and gradual improvements in operational capabilities, complex challenges persist. Increasingly, it appears that solutions may lie in improving:

- Common doctrinal approaches and operational concepts for civilian operations
- Recruitment and management of experienced staff within and across organizations
- Coordination and interoperability between organizations
- Awareness of the relative strengths, legitimacy and leverage of different actors
- Appreciation of the need for long-term investment in terms of time and funding

4. In addition, the importance of civil-military cooperation should be acknowledged. Peace-support operations are, in many ways, more complicated than waging an armed conflict. They involve a variety of civilian actors that deserve consideration and with whom military forces need to work closely. While unity of command is essential for the military force, unity of effort is absolutely essential for the overall mission. Military success cannot be claimed on its own. The military component is part of an overall political process and will be judged against this

background. This is a learning process that works both ways. Often humanitarian organizations avoid being too close to people in uniform. Avoiding misconceptions and bridging the cultural differences that exist between military and civilian organizations are goals to be pursued in any effective international action to contain and address a crisis.

5. Military instruments are indeed essential to stabilize certain crisis situations and guarantee security, but as experience in crisis management has repeatedly shown, the key to the re-establishment of public order and functioning State institutions after a major crisis or conflict will often require the deployment of international civilian instruments in the field, among others, of police, rule of law (democracy, human rights, penitentiary and justice systems), civilian administration and civil protection. Those instruments are but a few that need to be considered when approaching the wider issue of rehabilitation, reconciliation and reconstruction and the inescapable link between peace and development, including economic development, with a view to the primary goal of eradicating poverty conditions for sustainable peace.

6. The success of the civilian aspects of an operation will not be achieved if the necessary level of security is not assured, if need be through international military deployment. However, the main military task of achieving sustainable security and stability will not be guaranteed in a country emerging from conflict, particularly if it has suffered from an internal struggle, unless the civilian aspects of the international operation also achieve their goals. Civilian success is the key for the exit strategy of the military components of a civil-military operation.

7. In many crisis management situations, a comprehensive approach to the field of rule of law, including police, penitentiary and judicial sectors, is required. Police problems cannot be solved unless the two other sectors are performing satisfactorily and vice versa.

8. In the development of civilian capabilities for crisis management, the area of policing is, without doubt, one of the biggest challenges. Some security problems could probably be better handled through the deployment of civilian police forces, rather than through the deployment of the military, which may add to the conflict dimension, while not dealing well enough with the underlying public order/security problem. Many of the countries now in grave difficulty suffer from an over-militarization of societies. A deeper imprint of civilian elements in these societies is needed to solve their problems.

9. The role of police in providing security should not be seen in rivalry with the military, but as complementary. Furthermore, experience has shown that military forces are not well equipped to carry out police tasks.

10. The involvement of a greater number of actors in single complex crisis management operations, calls, of course, for greater coordination between these actors. In such cases it may be useful to identity a lead organization (the United Nations or a regional organization) or international authority to ensure the coordination of international crisis management efforts. Special attention should also be paid to the coordination between military and civilian crisis management instruments that may have been deployed. This coordination should go well beyond the narrower civil-military component perspective and bear in mind the desired end result.

11. In addition, coordination between crisis management instruments and longer-term reconstruction/development actors should be ensured. The priority should be the orderly exit from a crisis situation, while bearing in mind the need to develop a long-term approach that will guarantee stability and self-sustaining security. There will be no development without stability and security.

12. Qualified resources for use abroad in these fields are very scarce. Normally, countries develop these capabilities to cater for their own internal needs and not for use abroad in civil-military operations. Furthermore, the tasks they are called on to carry out in a civil-military operation may frequently be more complex than military tasks. They may involve greater interaction with local population and a better understanding by the civilian peacekeepers of the role they are called on to play and of the sensitivities attached thereto.

13. In certain cases, they will be called on to carry out substitution tasks, but often their mission will require further involvement in order to ensure that the country or territory in which they have been deployed is ready to assume its own responsibilities before they withdraw. This may frequently imply training of locals and often reform of faulty institutions.

14. Experience in training, development of concepts and lessons learned should continue to be shared. In particular, development of common standards for training should be looked into in order to increase the interoperability of civilian experts. There are clearly cultural problems involved, added to the complexity in the definition of the desired model. In any event, this sharing of experiences should never turn into a limiting factor. It may be better that different organizations continue expanding their own capabilities in these fields rather than imposing limitations to this exercise in order to achieve a greater degree of coherence.

15. Unlike the military for peacekeeping, civilian crisis management does not have a well-established body of agreed doctrine. It relies heavily on individual entrepreneurship in the field, which in turn places a high premium on skilled, experienced field staff. Expanding and retaining the base of this skilled and qualified field staff is critical. Such a body of doctrine would bring better coordination and would improve interoperability among organizations, allowing a more effective institutional handover.

16. The Security Council has acknowledged the important role played by regional organizations in this field and has encouraged them to continue the development of their crisis management capabilities, including in the civilian field. The Security Council frequently approves mandates for operations that are very demanding of the United Nations Secretariat and other bodies. This usually means that it is difficult to set up the civilian teams and means required for a successful operation. Member States should bear this in mind and be ready to provide adequate support for those necessary instruments.

17. Particular encouragement has been provided and support has been particularly given to efforts by the African Union, through its Peace and Security Council. Support initiatives such as the African Peace Facility fund set up by the European Union (to help develop African Union crisis management capabilities) should be further encouraged. This is a concrete example of the development of real capabilities that are already being deployed in civil-military operations, in full

coordination with the United Nations and contributing to its efforts in the maintenance of international peace and security.

The Security Council could usefully address, among others, some of the following issues:

18. The evolving nature of the growing number of responsibilities that civilian elements have taken on in the context of civil-military operations. These responsibilities may include:

- Helping former opponents implement complex peace agreements, by liasing with an array of political and civilian actors
- Weighing the use of the so-called "civic action" and "peace incentives" as leverage to further the reconciliation processes
- Supporting the delivery of humanitarian assistance and civil protection
- Assisting with the disarmament, demobilization and reintegration of former combatants
- Ensuring a gender perspective in the deployment of civilian components and in addressing post-conflict situations (including in the field of institutional arrangements and of further rehabilitation and reconstruction)
- Supervising and conducting elections
- Strengthening the rule of law, including assistance with judicial reform and the training of civilian police
- Promoting respect for human rights and international humanitarian law and investigating alleged violations
- Assisting with post-conflict recovery and rehabilitation
- Setting up a transitional administration of a territory as it moves towards independence

19. Encouraging Member States' development of police, rule of law or civil administration capabilities specifically for deployment in civil-military operations, in cooperation with the United Nations and regional organizations, in order not to detract them from resources required at the national level. This could include the setting-up of rapid civilian response teams to contribute to civil-military operations in a wide range of areas (political science, law, international relations, business administration, engineering, economics, or other specific areas for a particular mission, such as education, health and finance).

20. Studying ways for organizations involved in the development of these capabilities, such as the United Nations, organizations and bodies of the United Nations system and regional organizations such as the African Union, the Organization of American States, the European Union or the Organization for Security and Cooperation in Europe, to further enhance their cooperation to increase the overall available resources and their interoperability.

21. Examining the issues raised by civilian-military cooperation in the carrying out of mandates and the drafting of operations mandates that are sufficiently

encompassing of the full range of civilian activities essential to effective peace-building, in terms of mission planning, design and financing. A fruitful relationship with non-governmental organizations may in many cases be an essential element for the success of an operation.

22. Developing the various options for fruitful cooperation in crisis management between the United Nations and Member States, and other international organizations:

- Civil-military operations could be carried out by a regional organization under a United Nations mandate, but under the Organization's chain of command
- The regional organization could provide civilian components for the United Nations in an operation under United Nations command
- The regional organization could serve as a clearinghouse for the pooling of civilian resources of its members to contribute them to United Nations operations
- Member States could team up to strengthen their national contributions of civilian components to United Nations-led operations

These overall schemes for joint operations should be further clarified and developed, together with the encouragement of regional training efforts in the field of civilian components.

23. Sorting out the institutional issues regarding the deployment of coordinated civilian-military components for a particular operation: the possible establishment of a coordinating mechanism at the United Nations level; the possible need for strengthening the institutional capacity at the United Nations and the role of the Executive Committee on Peace and Security; the coordination of the activities of international financial institutions related to the civilian side of peace-building.

24. Achieving future improvements to civilian crisis management by focusing on building a more cohesive international approach. Policy coherence and interoperability in civilian crisis management will be essential in the coming years. Making available flexible and adequate means for action and specialist national resources to support regional and international operations, while recognizing the importance of preserving multilateral diplomacy, will be crucial as well.